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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,635	07/26/2000	Kevin R. Boyle	PHB 34,367	9407
65913	7590	11/16/2007	EXAMINER	
NXP, B.V.			RAMPURIA, SHARAD K	
NXP INTELLECTUAL PROPERTY DEPARTMENT				
M/S41-SJ			ART UNIT	PAPER NUMBER
1109 MCKAY DRIVE				2617
SAN JOSE, CA 95131				
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/616,635	BOYLE, KEVIN R.
	<b>Examiner</b>	<b>Art Unit</b>
	Sharad Rampuria	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-12 and 14-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-12 and 14-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Disposition of the claims***

II. The current office-action is in response to the Amendment filed on 09/04/2007. Accordingly, Claims 4 and 13 are cancelled and Claims 1-3, 5-12 and 14-18 are pending for further examination as follows:

### ***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKIDO, TOMOAKI et al. (JP 11177328 A, please see attached document) *hereinafter* NISHIKIDO in view of Houlihan (US 5467324).

Regarding Claim 1, NISHIKIDO disclosed a body-worn personal communications apparatus (Abstract) comprising:

A physically-shortened electric antenna that is physically smaller in at least one dimension than its electrical length in, that same dimension; (e.g. high gain than its actual length; ¶ 0020-0021)

A transceiver connected to said physically-shortened electric antenna; (e.g. transceiver; ¶ 0022) and

A casing having a width, a length and a height, said height being less than said width and less than said length, (the dimension of wristwatch; 2; Fig.1, ¶ 0022)

Wherein said transceiver is disposed within said casing, (e.g. transceiver; ¶ 0022)

Wherein said physically-shortened electric antenna is mounted such that said one dimension of said physically shortened electric antenna is aligned with said height of said casing, (1; Fig.1, ¶ 0020)

Wherein said physically shortened electric antenna is designed so as to not require manipulation by a user. (e.g. antenna-mechanism automatically; ¶ 0022)

NISHIKIDO fails to disclose a microphone connected to said transceiver. However, Houlihan teaches in an analogous art, that a microphone connected to said transceiver; (e.g.; (column 1, line 67, to column 2, line 5; column 5, lines 28-32) that either the microphone (voice input port) or the speaker (voice output port) may be placed on the tether member 136, as illustrated in Figure 1 of Houlihan, the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify

NISHIKIDO including a microphone connected to said transceiver in order to provide a wristwatch radiotelephone is usable as a radiotelephone without the need to remove the apparatus from the user's wrist and without the need to plug any additional elements into the apparatus.

Regarding Claim 2, NISHIKIDO teaches in an analogous art, that apparatus of claim 1, wherein said physically shortened electric antenna is a helical antenna. (e.g. helical antenna; 1; Fig.1, ¶ 0019)

Regarding Claim 5, NISHIKIDO disclosed all the particulars of the claim except a microphone is located at an end of said physically-shortened electric antenna furthest from said casing. However, Houlihan teaches in an analogous art, that the apparatus of claim 1, wherein said microphone is located at an end of said physically-shortened electric antenna furthest from said casing. (332; fig.9; Col.5; 28-32 e.g. the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

Regarding Claim 7, NISHIKIDO disclosed all the particulars of the claim except physically-shortened electric antenna is formed from a hollow wire, wherein a first electrical connection between said microphone and said transceiver is provided by said hollow wire, and wherein a second electrical connection between said microphone and said transceiver is provided by a conductor enclosed by said hollow wire. However, Houlihan teaches in an analogous art, that the apparatus of claim 5, wherein said physically-shortened electric antenna is formed from

a hollow wire, wherein a first electrical connection between said microphone and said transceiver is provided by said hollow wire, and wherein a second electrical connection between said microphone and said transceiver is provided by a conductor enclosed by said hollow wire. (e.g.; (column 1, line 67, to column 2, line 5; column 5, lines 28-32) that either the microphone (voice input port) or the speaker (voice output port) may be placed on the tether member 136, as illustrated in Figure 1 of Houlihan, the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

Regarding Claim 9, NISHIKIDO disclosed all the particulars of the claim except microphone provides a top loading to said physically-shortened electric antenna. However, Houlihan teaches in an analogous art, that the apparatus of claim 5, wherein said microphone provides a top loading to said physically-shortened electric antenna. (332; fig.9; Col.5; 28-32 e.g. the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10-11 are rejected under 35 U.S.C. 102 (a) as being anticipated by NISHIKIDO.

Regarding Claim 10, NISHIKIDO disclosed a body-worn personal communications apparatus (Abstract) comprising:

A casing having a width, a length and a height, said height being less than said width and less than said length, (the dimension of wristwatch; 2; Fig.1, ¶ 0022)

A physically-shortened electric antenna that is physically smaller in at least one dimension than its electrical length in, that same dimension; (e.g. high gain than its actual length; ¶ 0020-0021)

Wherein said physically-shortened electric antenna is mounted such that said one dimension of said physically shortened electric antenna is aligned with said height of said casing, (1; Fig.1, ¶ 0020)

Wherein said physically shortened electric antenna is designed so as to not require manipulation by a user. (e.g. antenna-mechanism automatically; ¶ 0022)

Regarding Claim 11, NISHIKIDO teaches in an analogous art, that apparatus of claim 10, wherein said physically shortened electric antenna is a helical antenna. (e.g. helical antenna; 1; Fig.1, ¶ 0019)

Claims 14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKIDO in view of Houlihan (US 5467324).

Regarding Claim 14, NISHIKIDO disclosed all the particulars of the claim except a microphone is located at an end of said physically-shortened electric antenna furthest from said casing. However, Houlihan teaches in an analogous art, that the apparatus of claim 10, wherein said microphone is located at an end of said physically-shortened electric antenna furthest from said casing. (332; fig.9; Col.5; 28-32 e.g. the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

Regarding Claim 17, NISHIKIDO disclosed all the particulars of the claim except a transceiver; and a microphone, wherein said physically-shortened electric antenna is formed from a hollow wire, wherein a first electrical connection between said microphone and said transceiver is provided by said hollow wire, and wherein a second electrical connection between, said microphone and said transceiver is provided by a conductor enclosed by said hollow wire. However, Houlihan teaches in an analogous art, that the apparatus of claim 10, apparatus of claim 10, further comprising: a transceiver; and a microphone, wherein said physically-shortened electric antenna is formed from a hollow wire, wherein a first electrical connection between said microphone and said transceiver is provided by said hollow wire, and wherein a second electrical connection between, said microphone and said transceiver is provided by a conductor enclosed by said hollow wire. (e.g.; (column 1, line 67, to column 2, line 5; column 5, lines 28-32) that either the microphone (voice input port) or the speaker (voice output port) may be placed on the tether member 136, as illustrated in Figure 1 of Houlihan, the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

Regarding Claim 18, NISHIKIDO disclosed all the particulars of the claim except microphone provides a top loading to said physically-shortened electric antenna. However, Houlihan teaches in an analogous art, that the apparatus of claim 10, wherein said microphone provides a top loading to said physically-shortened electric antenna. (332; fig.9; Col.5; 28-32 e.g. the voice port mounted on the end of the tether member 136 is located at an end of the tether member furthest from the casing (structure 130)).

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKIDO and Houlihan further in view of Hirai et al. (US 6429829).

Regarding Claim 3, the above combination disclosed all the particulars of the claim except a meander-line antenna. However, Hirai teaches in an analogous art, that the apparatus of claim 1, wherein said physically shortened electric antenna is a meander-line antenna. (16; Fig.1; Col.3; 11-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including a meander-line antenna in order to minimize the space required for the antenna.

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKIDO in view of Hirai et al. (US 6429829).

Regarding Claim 12, the above combination disclosed all the particulars of the claim except a meander-line antenna. However, Hirai teaches in an analogous art, that the apparatus of claim 10, wherein said physically shortened electric antenna is a meander-line antenna. (16; Fig.1; Col.3; 11-17).

Claims 6, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over NISHIKIDO and Houlihan further in view of McLean (GB 2036447).

Regarding Claim 6, the above combination disclosed all the particulars of the claim except the coaxial cable. However, McLean teaches in an analogous art, that the apparatus of claim 5, wherein said physically shortened electric antenna is formed from a coaxial cable that provides electrical connections between said microphone and said transceiver. (Page.2; 45-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including wherein said physically shortened electric antenna is a helical antenna in order to use the thickness of cable.

Regarding Claim 8, the above combination disclosed all the particulars of the claim except the coaxial cable. However, McLean teaches in an analogous art, that the apparatus of claim 6, wherein said microphone provides a low impedance at radio frequencies to thereby enable said coaxial cable forming said physically-shortened electric antenna to act as an inductive stub. (Page.2; 45-64)

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of McLean (GB 2036447).

Regarding Claim 15, the above combination disclosed all the particulars of the claim except the coaxial cable. However, McLean teaches in an analogous art, that the apparatus of claim 10, further comprising: a transceiver, wherein said physically-shortened electric antenna is formed from a coaxial cable that provides electrical connections between said microphone and said transceiver. (Page.2; 45-59)

Regarding Claim 16, the above combination disclosed all the particulars of the claim except the coaxial cable. However, McLean teaches in an analogous art, that the apparatus of claim 15, wherein said microphone provides a low impedance at radio frequencies to thereby enable said coaxial cable forming said physically-shortened electric antenna to act as an inductive stub. (Page.2; 45-59).

***Response to Amendments & Arguments***

IV. Applicant's arguments with respect to claims 1-3, 5-12 and 14-18 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

V. Applicant's amendment (For illustration; since newly amended claims modified the above-disclosed rejection) necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or [EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Patent Examiner  
Art Unit 2617